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CP 16548

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,365-B1)

In the application of:

Kathleen E. Rodgers, et al.

Serial No.: 09/772,819

Filed: January 30, 2001

For: **METHODS FOR ACCELERATING
BONE, CARTILAGE AND
CONNECTIVE TISSUE GROWTH**

Art Unit: 1654

Examiner: Audet

Confirmation: 3008

Asst. Commissioner for Patents
BOX: New Application
Washington, D.C. 20231-9999

TRANSMITTAL LETTER

1. We are transmitting herewith the attached papers for the above identified new patent application:

- ☒ Information Disclosure Statement and 1449 forms in Compliance with the continuing duty of candor as set forth in 37 CFR § 1.56, pursuant to 37 CFR § 1.98(d) (11 sheets);
- ☒ Supplemental Information Disclosure Statement (4 sheets);
- ☒ Supplemental IDS Form 1449 (1 sheet);
- ☒ 1 cited reference
- ☒ Return receipt postcard

2. With respect to fees:

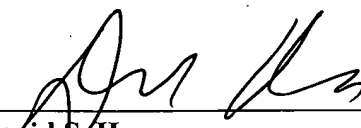
☒ The commissioner is hereby authorized to charge our **Deposit Account No. 13-2490** in the amount of **\$180.00** for the Information Disclosure Statement Fee.

3. **GENERAL AUTHORIZATION TO CHARGE OR CREDIT FEES:** Please charge any additional fees or credit overpayment to Deposit Account No. **13-2490**. A duplicate copy of this sheet is enclosed.

4. **CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 CFR § 1.10:** The undersigned hereby certifies that this Transmittal Letter and the papers, as described hereinabove, are being deposited with the United States Postal Service with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 8th day of March, 2004.

Express Mail No. **EV334641514US**.

By:


David S. Harper
Reg. No. 42,636



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(Case No. 98,365-B1)

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**For: Method for Accelerating Bone, Cartilage, and
Connective Tissue Growth**

Examiner : Audet

Group Art Unit:: 1654

Confirmation No.: 3008

INFORMATION DISCLOSURE STATEMENT

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicant wishes to make the following references of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56. Pursuant to 37 C.F.R. §1.98(d), copies of references numbered (1 - 84) are not provided herewith, since they were previously filed in the parent application.

Applicants do not believe any fee is due with this submission. If this belief be in error and the Patent Office determines that the fee prescribed in the relevant portion of 37 C.F.R. Section 1.97 is applicable, the undersigned attorney by his signature hereby authorizes any such fee to be debited from Deposit Account 13-2490.

03/11/2004 SMINASS1 00000036 132490 09772819

01 FC:1806 180.00 DA

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2. 5,656,598 Issued on 8-12-1997 Dunstan, et al.
3. 5,464,439 Issued on 11-7-1995 El Gendler
4. 5,013,649 Issued on 5-7-1991 Wang, et al.
5. 5,700,774 Issued on 12-23-1997 Hattersley, et al.
6. 5,736,372 Issued on 4-7-1998 Vacanti, et al.
7. 5,015,629 Issued on 5-14-1991 Gere diZerega
8. 5,629,292 Issued on 5-13-97 Rodgers, et al.
9. 5,693,616 Issued on 12-2-1997 Krstenansky, et al.
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13. 5,443,515 Issued on 8-22-1995 Cohen, et al.
14. 5,171,273 Issued on 12-15-1992 Silver, et al.
15. 4,642,120 Issued on 2-10-1987 Nevo, et al.
16. 5,053,050 Issued on 10-1-1991 Samuel Itay
17. 5,955,430 Issued on 9-21-1999 Rodgers, et al.
18. 5,834,432 Issued on 11-10-1998 Rodgers, et al.
19. 5,716,935 Issued on 2-10-1998 Rodgers, et al.

Foreign Documents:

20.	WO 99/46285	Published on 16 September 1999	PCT
21.	WO 96/39164	Published on 12 December 1996	PCT
22.	WO 96/14858	Published on 23 May 1996	PCT
23.	WO 88/00205	Published on 14 January 1988	PCT
24.	WO 95/08565	Published on 30 March 1995	PCT
25.	WO 95/08337	Published on 30 March 1995	PCT
26.	WO 96/15795	Published on 30 May 1996	PCT
27.	WO 96/40090	Published on 19 December 1996	PCT
28.	WO 98/26795	Published on 25 June 1998	PCT
29.	WO 98/32457	Published on 30 July 1998	PCT
30.	WO 98/33813	Published on 06 August 1998	PCT
31.	WO 99/26644	Published on 03 June 1999	PCT
32.	WO 99/31125	Published on 24 June 1999	PCT

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33. Okazaki, et al., (1996), Ann. Rheum. Dis., 55: pp. 181-186.
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35. Georgescu, et al., (1988), In Vitro Cell. Dev. Biol., 24: pp. 1015-1022.
36. Kream, et al., (1985), Endocrinol., 116: pp. 296-302.
37. Lowry, et al., (1954), J. Biol. Chem., 207: pp. 19-37.
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50. Kimura, et al., (1992), BBRC, 187: pp. 1083-1090.
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67. Stouffer and Owens, (1992), Circ. Res., 70: page 820-828.
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84. Hagiwara, et al., (1998), "Regulation of bone metabolism by vasoactive peptides" Saishin Igaku, Vol: 53 (6) pp. 1289-1294 (Translated from Japanese).

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Date: 3/8/04

By: 
David B. Harper
Registration No. 42,636

FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

98,365-B1

Serial No.

09/772,819

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use several sheets if necessary)



Applicant:

Kathleen E. Rodgers, et al.

Filing Date:

January 30, 2001

Group:

1654

U.S. PATENT DOCUMENTS

Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	1	5,686,116	11-11-1997	Bockman, et al.			
	2	5,656,598	8-12-1997	Dunstan, et al.			
	3	5,464,439	11-7-1995	El Gendler			
	4	5,013,649	5-7-1991	Wang, et al.			
	5	5,700,774	12-23-1997	Hattersley, et al.			
	6	5,736,372	4-7-1998	Vacanti, et al.			
	7	5,015,629	5-14-1991	Gere diZerega			
	8	5,629,292	5-13-97	Rodgers, et al.			
	9	5,693,616	12-2-1997	Krstenansky, et al.			
	10	5,607,474	3-4-1997	Athanasiou, et al.			
	11	5,916,207	6-29-1999	Harumitsu Toyoda			
	12	5,324,775	6-28-1994	Rhee, et al.			
	13	5,443,515	8-22-1995	Cohen, et al.			
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	15	4,642,120	2-10-1987	Nevo, et al.			
	16	5,053,050	10-1-1991	Samuel Itay			

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.

FORM PTO-1449 (Rev. 2-32)	U.S. Department of Commerce Patent and Trademark Office	Atty. Docket No. 98,365-B1	Serial No. 09/772,819
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use several sheets if necessary)		Applicant: Kathleen E. Rodgers, et al. Filing Date: January 30, 2001	
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	17	5,955,430	9-21-1999	Rodgers, et al.			
	18	5,834,432	11-10-1998	Rodgers, et al.			
	19	5,716,935	2-10-1998	Rodgers, et al.			

FOREIGN PATENT DOCUMENTS

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	20	WO 99/46285	9-16-1999	PCT				
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	23	WO 88/00205	1-14-1988	PCT				
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	28	WO 98/26795	25 June 1998	PCT				

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	31	WO 99/26644	03 June 1999	PCT				
	32	WO 99/31125	24 June 1999	PCT				

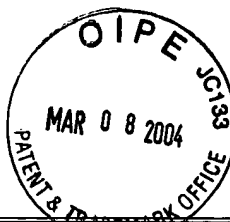
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	33	Okazaki, et al., (1996), Ann. Rheum. Dis., 55: pp. 181-186.
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36	Kream, et al., (1985), Endocrinol., 116: pp. 296-302.
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51	Pfeilschifter, et al., (1992), Eur. J. Pharmacol., 225: pp. 57-62.
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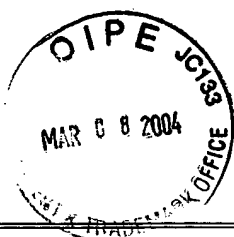
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82	Noda and Camilliere, (1989), Endocrinology, 124: pp. 2991-2994.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Case No. 98,365-B-1)

In the Application of:)	
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Kathleen E. Rodgers, et al.)	Art Unit: 1654
)	
Serial No.: 09/772,819)	
)	Examiner: Audet
Filed: January 30, 2001)	
)	Confirmation: 3008
For: Method for Accelerating Bone, Cartilage,)	
And Connective Tissue Growth)	

SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. Section 1.97 - 1.99, the Applicants wish to make the following references listed on the enclosed Form PTO-1449 of record in the above-identified application. This Information Disclosure Statement is in compliance with the continuing duty of candor as set forth in 37 C.F.R. Section 1.56.

Copies of the references cited on the Form PTO-1449 are enclosed. Also, attached to each reference in a language other than English is a translation or an explanation of the relevance in accordance with 37 C.F.R. § 1.98 (a) (3). For Information Disclosure Statements submitted after receipt of a foreign Search Report, a copy of such Search Report is attached.

The Examiner is respectfully requested to consider the references in their entirety and to so indicate by initialing the appropriate box on the Form PTO-1449. By submission of the references on the Form PTO-1449 no representation is intended as to the relative importance of any portion of the references. Furthermore, such citation is not a representation that the listed references have effective dates early enough to be "prior art" within the meaning of 35 U.S.C. Section 102 or Section 103. Applicants expressly reserve the right to establish that the aforesaid references are not prior art, and/or are not art that is analogous or relevant to the claimed invention.

- ☐ This Information Disclosure Statement is being filed:
within three months of the filing date of a national application; within three months of the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or before the mailing date of a first Office Action on the merits. 37 C.F.R. § 1.97 (b)
- ☒ **after** three months of the filing date of a national application, or the date of entry into the national stage as set forth in 37 C.F.R. § 1.491 in an international application; or **after** the mailing date of a first Office Action on the merits, but **before** the mailing date of a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), and includes (37 C.F.R. § 1.97 (c):
- ☐ the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below)

OR

- ☒ the fee of \$180.00 set forth in 37 C.F.R. § 1.17(p) (see "Fees" below).
- ☐ **after** a Final Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311 (whichever occurs first), but before, or simultaneously with, the payment of the issue fee, and includes the Certification under 37 C.F.R. § 1.97(e) (see "Certification" below), and the Petition Fee set forth in 37 C.F.R. § 1.17(i) (see "Fees" and "Method of Payment of Fees" below). Applicants hereby petitions for consideration of the Information Disclosure Statement submitted herewith and the accompanying references in examination of the subject patent application.

CERTIFICATION

- ☐ The **undersigned** hereby certifies that each item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Information Disclosure Statement.
- ☐ The **undersigned** hereby certifies that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign patent application or, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the Information Disclosure Statement.

FEES

- ☐ No fee is owed by the applicant(s).
- ☒ The **IDS Fee of \$180.00** under 37 C.F.R. § 1.17(p) is enclosed herewith.
- ☐ The **Petition Fee of \$130.00** set forth in 37 C.F.R. § 1.17(i) is enclosed herewith.

METHOD OF PAYMENT OF FEES:

☐
☐
☒

No fee is required.

Attached is a check in the amount of \$180.00.

Charge **Deposit Account No. 13-2490** in the amount of **\$180.00**. (A duplicate copy of this communication is enclosed for that purpose.)

Please charge any underpayment or credit any overpayment in connection with this communication to Deposit Account No. 13-2490. A duplicate copy of this communication is enclosed for this purpose.

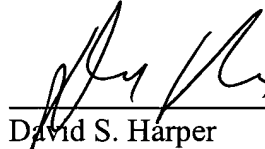
CERTIFICATE OF MAILING AS "EXPRESS MAIL" (37 CFR 1.10) I hereby certify that this correspondence and all attached paper(s) or fee(s) is being deposited with sufficient postage, with the United States Postal Service as EXPRESS MAIL POST OFFICE TO ADDRESSEE in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, with sufficient postage, on this 8th Day of March, 2004 under Express Mail Certificate No. **EV334641514US**.

Date: _____

3/8/04

Telephone: 312-913-0001
Facsimile: 312-913-0002

Respectfully submitted,



David S. Harper

Registration No. 42,636

McDonnell Boehnen Hulbert & Berghoff

300 South Wacker Drive

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Article References:

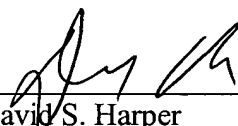
1. Pierre Schelling, et al., (1979), J. Cell. Physiol., "Effects of Angiotensin II and Angiotensin II Antagonist Saralasin on Cell Growth and Renin in 3T3 and SVST3 Cells", Vol: 98, pp. 503-514.

Respectfully submitted,
McDonnell Boehnen Hulbert & Berghoff

Date:

3/8/04

By:



David S. Harper
Reg. No. 42,636

FORM PTO-1449
(Rev. 2-32)

U.S. Department of Commerce
Patent and Trademark Office

Atty. Docket No.

98,365-B1

Serial No.

09/772,819

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use several sheets if necessary)



Applicant:

Kathleen E. Rodgers, et al.

Filing Date:

January 30, 2001

Group:

1654

U.S. PATENT DOCUMENTS

Examiner Initial	Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate

FOREIGN PATENT DOCUMENTS

	Document Number	Date	Country	Class	Subclass	Translation	
						Yes	No

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc).

	1.	Pierre Schelling, et al., (1979), J. Cell. Physiol., "Effects of Angiotensin II and Angiotensin II Antagonist Saralasin on Cell Growth and Renin in 3T3 and SVST3 Cells", Vol: 98, pp. 503-514

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication.